

PINNOCK & WAKEFIELD, A.P.C.

David C. Wakefield, Esq. Bar #: 185736
Michelle L. Wakefield, Esq. Bar #: 200424
3033 Fifth Avenue, Suite 410
San Diego, CA 92103
Telephone: (619) 858-3671
Facsimile: (619) 858-3646

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ROBERT MCCARTHY, An Individual,

Plaintiff,

v.

**EMERYVILLE HOTEL DEVELOPMENT
VENTURE, L.P., d.b.a. FOUR POINTS
HOTEL BY SHERATON SAN FRANCISCO
BAY BRIDGE a.k.a. THE FOUR POINTS BY
SHERATON EMERYVILLE;
EMERYVILLE HOTEL DEVELOPMENT
VENTURE, L.P.; PACIFIC HOTEL
MANAGEMENT, LLC; JRR, LLC, d.b.a.
LYONS RESTAURANT; JASSI DHILLON,
INC., d.b.a. LYONS RESTAURANT;
EMERYVILLE HOTEL DEVELOPMENT
VENTURE II, L.P; And DOES 1 THROUGH
10, Inclusive,**

Defendants.

Case No.: C06-0948 MMC

**STIPULATED DISMISSAL AND
DISMISSAL WITH PREJUDICE OF
ALL DEFENDANTS FROM
PLAINTIFFS' COMPLAINT AND
PLAINTIFFS' COMPLAINT IN ITS
ENTIRETY AND ORDER THEREON.**

[Fed.R.Civ.P. Rule 41(a)(2)]

IT IS HEREBY STIPULATED by and between Robert McCarthy, An Individual,
Plaintiff, on the one hand, and Defendants EMERYVILLE HOTEL DEVELOPMENT
VENTURE, L.P.; EMERYVILLE HOTEL DEVELOPMENT VENTURE II, L.P.; and PACIFIC

HOTEL MANAGEMENT, LLC, on the other hand, through their respective attorneys of record that, pursuant to Federal Rules of Civil Procedure, Rule 41 (a)(1) and (2), this Court enter a dismissal with prejudice of Defendants EMERYVILLE HOTEL DEVELOPMENT VENTURE, L.P., d.b.a. FOUR POINTS HOTEL BY SHERATON SAN FRANCISCO BAY BRIDGE a.k.a. THE FOUR POINTS BY SHERATON EMERYVILLE; EMERYVILLE HOTEL DEVELOPMENT VENTURE, L.P.; PACIFIC HOTEL MANAGEMENT, LLC; JRR, LLC, d.b.a. LYONS RESTAURANT; JASSI DHILLON, INC., d.b.a. LYONS RESTAURANT; EMERYVILLE HOTEL DEVELOPMENT VENTURE II, LP from Plaintiffs' Complaint, Case Number: C06-0948 MMC. Additionally, Plaintiffs request that the Complaint be dismissed with prejudice in its entirety.

IT IS SO STIPULATED.

Dated: September 28, 2006

PINNOCK & WAKEFIELD,A.P.C.

By: /s/
DAVID C. WAKEFIELD, ESQ.
MICHELLE L. WAKEFIELD, ESQ.
Attorneys for Plaintiff

Dated: September 28, 2006

BRYAN CAVE, LLP


By: /s/
DAVID H. RAIZMAN, ESQ.
Attorney for Defendants EMERYVILLE HOTEL
DEVELOPMENT VENTURE, L.P.;
EMERYVILLE HOTEL DEVELOPMENT
VENTURE II, L.P.; and PACIFIC HOTEL
MANAGEMENT, LLC

**ORDER ON NOTICE OF DISMISSAL WITH PREJUDICE OF ALL DEFENDANTS
AND PLAINTIFFS' COMPLAINT IN ITS ENTIRETY**

IT IS HEREBY ORDERED that Defendants EMERYVILLE HOTEL DEVELOPMENT VENTURE, L.P., d.b.a. FOUR POINTS HOTEL BY SHERATON SAN FRANCISCO BAY BRIDGE a.k.a. THE FOUR POINTS BY SHERATON EMERYVILLE; EMERYVILLE HOTEL DEVELOPMENT VENTURE, L.P.; PACIFIC HOTEL MANAGEMENT, LLC; JRR, LLC, d.b.a. LYONS RESTAURANT; JASSI DHILLON, INC., d.b.a. LYONS RESTAURANT; EMERYVILLE HOTEL DEVELOPMENT VENTURE II, LP are dismissed with prejudice from Plaintiffs' Complaint, Case Number: C06-0948 MMC. Additionally, Plaintiffs' Complaint is dismissed with prejudice in its entirety.

IT IS SO ORDERED.

Dated: October 26, 2006


HONORABLE MAXINE M. CHESNEY
UNITED STATES DISTRICT COURT JUDGE